

REMARKS

In an Office Action mailed October 11, 2006, pending claims 1-27 were examined and allowed and prosecution on the merits closed under *Ex parte Quayle*. However, the application was required to be amended to include a formal summary of the invention. The patent statute and patent rules do not require Applicants to provide a summary of the invention. The language of 37 C.F.R. 1.73 regarding a "Summary of the Invention" states that "Such summary should, when set forth,...". From the language of the relevant rule, it is clear that a summary is not a required portion of a patent application. Additionally, there is no requirement in the Manual of Patent Examining Procedure (MPEP) that requires a summary of the invention. For example, MPEP 608.01(d) does not interpret 37 C.F.R. 1.73 to make a summary be mandatory. As a result, thousands of U.S. patents have issued and are continuing to be issued which do not contain a summary of the invention. To selectively require a summary in some applications and none in others would be to apply an arbitrary and capricious standard to the patent rule.

The pending application contains twenty-seven allowed claims of varying scope. To summarize the claimed subject matter in a short paragraph could result in not properly covering the scope of the claimed subject matter. Applicant therefore elects not to provide a summary and requests withdrawal of the request to amend the specification.

Applicant respectfully submits that this communication resolves the stated formal matter that was raised in the office communication. Applicants request the allowance of the pending application.

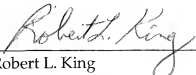
Should issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned at (512) 996-6839.

Respectfully submitted,

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